

## CHARLTON MUST RETURN TO ITALY

Supreme Court Decides That the Young American Must Answer the Charge of Having Murdered His Wife in June, 1910, at Lake Como, Italy

### ITALIAN GOVERNMENT WILL ACT AT ONCE

Justice Lurton Delivers Decision Immediately Upon the Convening of Court—Holds No Error Was Made In Excluding Evidence of Insanity at Habeas Corpus Hearing—Reviews Question of the Extradition of Criminals to Italy

Washington, June 10.—Porter Charlton must return to Italy to answer the charge of having murdered his wife in June, 1910 at Lake Como. The supreme court so decided today. Justice Lurton began delivering the supreme court's opinion in the Porter Charlton extradition case as soon as the court assembled. He said first that no error had been committed in excluding evidence of insanity at the habeas corpus proceedings in the lower court and that no error was committed in making the formal demand for Charlton because it was not necessary to the demand at the extradition hearing.

After discussing the insanity plea, the justice took up the main point in the case, whether, under the treaty of 1868 an American citizen could be extradited to Italy for a crime committed there, particularly since Italy will not extradite its subjects for crimes here. The refusal to surrender citizens for extradition, the justice said, was of modern origin. Some of the American treaties provided, he added, that citizens shall not be extradited, while others are silent.

"The conclusion is," said Justice Lurton, "that this government making exception in some treaties that it would not extradite its citizens, shows it was fully aware that there was no exception in favor of citizens in other treaties where the exception was not made, as the treaty with Italy."

"We come to the question whether the treaty is no longer binding on the United States because Italy has refused to surrender up its subjects."

Justice Lurton reviewed at length the correspondence between the United States and Italy governments regarding the attitude of the two governments.

He pointed out that it was conceded that crimes committed in Italy were not justifiable in the United States, so if extradition were not granted, the criminals would go unpunished. Crimes committed in the United States, he added, were justifiable in Italy. According to international law, he held that the treaty by reason of Italy's course had not become void, but merely voidable at the option of the American government. The executive department having waived its right to annul the treaty, the justice concluded, nothing remained for the court to do but to enforce its decision. Charlton has been in prison in the Hudson county, New Jersey, jail nearly three years, while the fight for his extradition has been going on. The supreme court's decision today affirms the action of former Secretary Knox, who determined to turn Charlton over to Italy. The prisoner now probably will be turned over to Italian authorities after the observance of a few formalities.

Charlton's father, who conducted a gallant fight for his son, was a former United States judge for Porto Rico and a classmate of former President Taft.

**History of the Case.**  
Washington, June 10.—The killing of Mrs. Porter Charlton stirred Europe and America as have few murders of recent years. With the discovery of her crumpled body stuffed into a trunk and sunk in Lake Como, Italy, where she had been with her husband to spend her honeymoon, both continents turned to search for the murderer.

The first great problem to solve was the whereabouts of the twenty-one year old husband, who, as a bank clerk in New York, had married the woman, eight years older than himself and the divorced wife of Neville H. Castle, a San Francisco lawyer. His father, Paul Charlton, law adviser of the Bureau of Insular Affairs and former President Taft's classmate, was firm in the conviction that his son, too, had been murdered. That question was solved when Porter Charlton, with his initials marked on his suit case, arrived on a steamer from Italy, a few days later at Hartford, Conn. That night there appeared a confession bearing his name.

"My wife and I lived happily together, but she had an uncontrollable temper, and so had I," read the confession.

"On the night of the murder she had the worst outbreak of temper I ever saw. I told her to keep quiet or I would make her keep quiet. Then she had another outbreak. I took up a wooden mallet, with which I had been repairing a table, and hit her on the head and body two or three times. At midnight I put the body in a trunk, dragged it to a small pier near the house, and threw it overboard."

With the acceptance of the confession as a solution of the crime, there arose almost at once the diplomatic problem of Charlton's extradition. It was admitted on all hands that Charlton could not be tried in the United States for a crime committed in Italy. His friends headed by his father, took the position that he could not be extradited to Italy, because Italy had always refused, under the extradition treaty of 1868 to return Italian subjects to the United States to answer for crimes committed here. Italy, however, made a request for the prisoner. Secretary Knox parried by asking if Italy thereby meant to waive its past interpretation of the treaty. Months of diplomatic exchanges followed.

Judge John A. Blair, of the Court of Oyer and Terminer in Hudson county, N. J., sitting as a federal extradition magistrate, held Charlton subject to extradition. The court declined to receive evidence of Charlton's insanity on the ground that under the law of New Jersey defenses could not be made at a preliminary hearing of the nature then before the court.

Secretary Knox approved that holding, taking the position that inasmuch as Charlton could not be brought to answer for the crime in this country, the United States would adhere to its interpretation of the treaty by surrendering him to Italy.

Charlton's father then began the last fight to save his son from extradition. He applied to the circuit court of the United States for New Jersey for his release on habeas corpus proceedings, holding that the treaty did not justify the extradition and that evidence of sanity should have been received. The circuit court refused to grant his release, but Charlton appealed to the supreme court. It was this appeal that was acted upon today.

As evidence of Charlton's insanity, his counsel offered to prove that as a child he had fits of extreme rage, giving as one instance, his begging to be permitted to take vengeance on a horse that had run away with him. Another instance referred to was the occasion when Paul Charlton, his father, inquired as to his son's resources, when told of his marriage, the result being that the son refused to dine with him, and later, on his honeymoon trip wrote to his father a letter "so full of foulness and abuse that the father destroyed it unread except a glance through it to see its purport."

Evidence was offered to show that the family history of Porter Charlton supported the claim of insanity. Counsel offered to offer testimony on the medical history of the murdered wife to show she had once been confined in an institution in New York, suffering from erotic insanity. It was explained that her condition was important as bearing on Charlton's mental condition.

**NEW REVOLT IS STARTED**  
El Paso, Texas, June 10.—Federal mineurs led by Maximo Castillo took the American lumbering town of Pearson, Chihuahua, after an all-day fight yesterday, said railway advisers received here today. The 150 federal soldiers of the garrison were captured. Castillo has announced for the Vasquez Gomez revolutionary cause, operating independent of the Huerta federalists and constitutionalist insurgents.

Pearson is located southwest of Juarez on the Mexican Northwestern railway. All traffic remains closed on either line below the border on account of the activity of Castillo's band, said to number no more than 200 men.

Four hundred constitutionalists from the Ojinaga district are reported to have reached a point opposite Fort Hancock, Texas, fifty miles east of here. They expect to attack Guadalupe and San Ygnacio, border towns protected by small garrisons of rural police from Juarez.

**EX-PASTOR WEDS GIRL**  
Stanford, Conn., June 10.—Jere Knodt Cooke and Floretta Whaley were married by a justice of the peace in the parlors of a local hotel here today. The unfrocked Episcopal clergyman and his bride came here last night after a trip to Hartford and will sail tomorrow to get from Judge Joel Reed of the superior court a certified copy of the decree of divorce in favor of Mrs. Marinda Cooke Cooke, who was the wife of Cooke, a necessary preliminary to the application for a marriage license in this state.

## CHARLTON, HIS WIFE AND SCENE OF CRIME



Upper left hand picture is a recent one of Porter Charlton. The picture of Mrs. Charlton was taken a short time before the couple left for Europe. On the lower left is shown Lake Como, Italy, where the crumpled body stuffed in a trunk was found.

## STATES AND INTEGRITY OF AD MEN LOBBY HUNT AND SUGAR

Justice Hughes Reads the Application of the Principles in Minnesota Case—Congress May Take Charge of State Rates Affecting Interstate Commerce

Wiley Replies to Remarks of Keeley Regarding the Methods of Advertising Agents Toward the Newspapers

Baltimore, June 10.—Today's forenoon session of the convention of the Associated Advertising clubs of America was devoted to departmental meetings, of which there were twelve in progress.

Later there was a general session devoted to vigilance and educational committee work.

Mr. Louis Wiley of New York in his address, replied to remarks made by James Keeley of Chicago at yesterday's meeting of the convention. Mr. Keeley had said among other things that it was an astonishing commentary on the ethics of one of the great industries in the world that its business integrity was at so low an ebb that newspapers have to submit to the third degree to have established the truth about what they have to sell.

Mr. Wiley regretted the "unwarranted severity of Mr. Keeley's attack upon a reputable business." The standard of ethics in the newspaper calling is as high as that in any other, he said.

"If an advertiser is in doubt about a newspaper's circulation, it is his privilege to seek information in any way he can obtain it; but it is an insult to the newspaper to ask for an examination of its books and to suggest that a certificate of the association will be supplied if the statement of the newspaper is found to be true."

"Advertisers have not been defrauded by the rates charged them for newspaper advertising, but hundreds of newspapers have been wrecked, and fortunes have been spent in the effort to sell advertising space at the comparatively small rates."

The speaker regarded the law to enforce the publication of circulation statements as fraught with great danger and he hoped the supreme court would declare it unconstitutional.

**FAST TRAIN HITS AUTO**  
Carroll, Iowa, June 10.—A Chicago and Northwestern train crashed into an automobile near here today, killing Lena and Rebecca Dudley, daughters of Mr. and Mrs. R. M. Dudley of Nashville, Tenn. The latter and a negro chauffeur were injured, but will recover. Dudley who is a hardware merchant in Nashville, Tenn., was on an automobile tour with his family.

## AXE MURDER IN MISSOURI

Harrisonville, Mo., June 10.—Arthur Keller, a railway employe living here was murdered with an axe in his home here last night and his seven-year-old daughter was seriously wounded. A blow aimed at Mrs. Keller struck the side of the bed and awakened her.

Mrs. Keller said she leaped from the bed and struggling with murderer, drove him from the house and then gave the alarm to her neighbors. Nathan Keller, brother of the murdered man, testified at the inquest that Arthur Keller had a life insurance policy for \$1,000 and that his wife was the beneficiary. There was also an insurance policy of \$1,000 on the life of Margaret, the wounded daughter. It was testified that the Kellers had quarreled frequently.

It was brought out that Mrs. Keller when she appeared at a neighbor's house and told of the tragedy wore her nightclothing and carried the bloody axe in her hand. She said the axe had been thrown away by the murderer.

The family lived in a small dilapidated cottage on the north edge of town.

At the inquest Mrs. Keller said the first she knew of the tragedy was when she awoke to find a man standing over her. She lay in a folding bed, she said, and the canopy of the bed probably saved her life when it splintered under the axe blow aimed at her head by the murderer.

There was no light in the room, Mrs. Keller said, but she could tell that the slayer's socks were brown and the handkerchief he wore over his face was red by the light from burning paper in the adjoining room where she afterward found her husband's body. After he struck at her, she said she jumped up and grappled with him, but he broke loose and ran out the kitchen door.

Authorities who examined the Keller home and vicinity said they found no footprints either at the front or back of the house.

Sheriff Prater this afternoon said he believed there was no need of searching for the murderer through a posse.

## WALL STREET HAS FLURRY

Minnesota Rate Decision Causes Hill Stocks to Slump Badly—Excited Selling Occurs Upon the Opening of the Market

New York, June 10.—Wall street's interpretation of the effect on the railroad rates of the Minnesota rate decision was shown at the opening of the stock market today when railroad stocks slumped badly. The Hill stocks, directly concerned, were the heaviest sufferers, but virtually all stocks fell to the lowest level of the year, with losses extending to more than 4 points.

The opening of the market was the signal for excited selling. In the first downward rush large blocks of stocks were marketed. Northern Pacific broke 4 1/4 points to 105. Other railroad stocks were depressed sharply, losses ranging from 1 to 1 1/2.

The slump in railroad shares caused sympathetic depression through the rest of the market. Among the industrials, the heaviest selling was in United States Steel, which broke 1 1/2 at the opening when a single block of 1,500 shares were sold.

Large supporting orders had been distributed before the opening of the market. After ten minutes of trading the market grew steadier and recovered a small part of the early losses.

Severe decline of American stocks in London before the opening here gave warning of what was to be expected.

The market was nervous and unsteady throughout the morning. Following the rally shortly after the opening, stocks sold off again to still lower prices. The declines in Union Pacific and Great Northern preferred were increased to four points and in Northern Pacific to nearly five. Prices in many cases reached the lowest level since the panic of 1907. Steady selling marred the remainder of the forenoon session. There were occasional rallies which prevented further extended breaks and the volume of business contracted toward noon.

The market broke with renewed violence during the noon hour and still lower prices were reached. Northern Pacific declined 7 1/2 to 101 3/4, Great Northern 7 1/2. Other trans-continental stocks increased their losses, falling 2 to 5 points below yesterday's close. Industrial stocks sold off with the rest of the market and some of the obscure issues sustain exceptionally large losses.

Following the noon hour break there was a decided betterment in the course of the market. The force of investment buying, coupled with speculative operations on the long side of the market made itself felt and prices rose steadily. Before the close some stocks had entirely recovered their losses and in other cases there were rallies of two or more points.

The marked close firm.

Wall operators showed increasing confidence on the upward movement. There was more general buying for the long account and the late recovery was carried considerably further. Some stocks which did not slump badly in the early break recovered fully and the general level was from two to nearly four points above the day's lowest. Speculative bonds also improved substantially.

## SERBIA HAS FIRST LOSS

London, June 10.—Many Servians were killed today in a serious encounter between Serbian and Bulgarian troops near the small town of Makres. News of the encounter came in a special dispatch to the Belgrade Mail Journal forwarded here.

Further conflicts are expected in the same vicinity, as the Servians on Monday sent a note to the Bulgarian commander giving him until 5 o'clock in the evening to evacuate the town of Volodan, failing which the Servian general declared he would bombard it, now occupied by the Bulgarians.

**Will Decide in Few Days.**  
Belgrade, Serbia, June 10.—The Serbian minister of war today declared that the question of war or peace between Bulgaria and Serbia would be decided in two or three days.

Railway communication between Serbia and Bulgaria has been stopped and the Servian newspapers assert that the Serbian minister to Bulgaria is about to quit Sofia.

The Servian cabinet today decided to send a firm final note to Bulgaria asking the government at Sofia to arrange for a meeting of the plenipotentiaries of the two countries.

## TODAY'S GAMES

AMERICANS IN LEAD.	
Meadow Brook, June 10.—Score and third period:	
England—One goal; America—4 1/2 goals.	
Tigers Are Shut Out.	
Washington, June 10.—(American.)	R. H. E.
Detroit .....	0 3 2
Washington .....	0 3 1
Batteries—Clauson, Moore and McKee; Johnson and Ainsmith.	
Yankees Lose to White Sox.	
New York, June 10.—(American.)	R. H. E.
Chicago .....	5 3 4
New York .....	1 1 0
Batteries—Scott and Schalk; McConnell, Caldwell, Schulz and Sweeney.	
Red Sox Beat Naps.	
Boston, June 10.—(American.)	R. H. E.
Cleveland .....	2 14 2
Boston .....	7 11 0
Batteries—Gregg, Sloan, Blauding and Carlsch; Land, O'Neill; Collins and Carrigan.	
Pirates Beat Dodgers.	
Pittsburg, June 10.—(National.)	R. H. E.
Brooklyn .....	4 9 1
Pittsburg .....	5 10 0
Batteries—Roecker, W. Wagner and O. Miller; Hendrix, Cooper and Simon.	
Athletics Beat Browns.	
Philadelphia, June 10.—(American.)	R. H. E.
St. Louis .....	4 5 2
Philadelphia .....	10 13 1
Batteries—Mitchell, Wetman and McAllister; Brown, Plank and Lapp, Change.	
Tied in the Ninth.	
Chicago, June 10.—(National.)	
New York .....	2
Chicago .....	2
(Tied end 9th.)	
(Additional Sports on Page Two.)	

## COUNTY BOARD PLANS MANY CHANGES

Resolving to take no more chances on the Huntville school, which has twice been threatened by fire originating on the roof, the Weber county board of education has decided to place a metal roof upon the building. The work is to be done at once.

With the close of schools, several improvements will be made in the several county school buildings. New furnaces are to be installed in the Huntville, Wilson, and West Weber schools. All buildings will be gone over and thoroughly cleaned and repaired.

At Harrisville, the old building has been torn down and the concrete force is at work on the new school. A new building at Warren will be erected at once also.

Clerk David Froerer of the board is busy at the offices in the First National bank building, checking up books of the schools and also estimating the number of new books needed. The text book commission met last January and the new books decided upon by the commission must be purchased.

It costs Chicago charitable institutions \$5000 to investigate a charity case in which less than \$300 was expended. This should become the classic case of charity beginning at home.—Deseret News.